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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/664,280	09/17/2003	Ciprian Agapi	BOC9-2003-0060 (434)	4539
40987	7590	09/19/2006	EXAMINER	
AKERMAN SENTERFITT P. O. BOX 3188 WEST PALM BEACH, FL 33402-3188			LEWIS, ALICIA M	
			ART UNIT	PAPER NUMBER
			2164	

DATE MAILED: 09/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/664,280

Applicant(s)

AGAPI ET AL.

Examiner

Alicia M. Lewis

Art Unit

2164

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.


SAM RIMELL
PRIMARY EXAMINER

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

This office action is responsive to communication filed June 27, 2006. Claims 1, 3-5, 8, 10-12 and 16 have been amended; thus claims 1-18 remain pending in this application.

Claim Objections

1. Claims 1, 6-8, 13, 14 and 16-18 are objected to because of the following informalities: the word "criteria" should be in singular form, "criterion". Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Lee (US Patent 6,662,178 B2).

With respect to claims 1, 8 and 16, Lee teaches:

receiving a system request to visually display with a graphical user interface the grammar files in the presentation list (column 4 lines 7-11);

sorting the grammar files based on a first criteria that assigns user-defined grammar files greater priority over built-in grammar files (column 4 lines 12-15);

sorting the grammar files according to a second criteria (column 4 lines 49-57);
and

visually displaying the presentation list wherein each user-defined grammar file is visually distinguishable from each built-in grammar file (column 4 lines 12-15, 49-57).

In Lee's invention, a system request to display a grammar file is equivalent to a system receiving a search query. The sorting of the grammar files by user defined grammar files and built-in grammar files is equivalent to displaying the search results of the query. The user defined grammar files are the files that satisfy the search query, and are thus given a greater priority by being displayed. The built-in files are the files in a database that are not displayed because they do not match the query. Because the user-defined files are displayed as results, they are visually distinguishable from the built-in files.

With respect to claims 2 and 9, Lee teaches wherein the method further comprises the step of displaying the grammar files when a user selects the grammar files (column 4 line 58 – column 5 line 4).

With respect to claims 3 and 10, Lee teaches wherein the step of visually displaying comprises presenting the presentation list such that each grammar file is labeled with a label indicating whether the grammar file is a user-defined grammar file or a built-in grammar file (column 4 lines 30-34).

The titles or patent numbers or any other identifying information of the issued patents (that satisfy the search query) may be considered labels, and the indication that the files are user-defined is that fact that they are displayed as satisfying the search query.

With respect to claims 4 and 11, Lee teaches wherein the step of visually displaying comprises presenting the presentation list such that each grammar file is presented in a text format that indicated whether the grammar file is a user-defined grammar file or a built-in grammar file (column 4 line 58 – column 5 line 4).

With respect to claims 5 and 12, Lee teaches wherein the user-defined grammar files and the built-in grammar files can share the same name.

Lee's invention deals with searching for patent materials, including patents and patent applications. It is possible for patents and patent applications to share the same name, thus the user defined grammar files and built-in grammar files can share the same name.

With respect to claims 6, 13 and 17, Lee teaches wherein the second criteria is an alphabetical order (column 4 lines 53-56).

With respect to claims 7, 14 and 18, Lee teaches wherein the second criteria is a chronological order (column 4 lines 53-55).

With respect to claim 15, wherein the presentation list is at least one among a drop-down list and a list box (column 4 lines 30-32, 52-53).

Response to Arguments

4. Applicant's arguments filed June 27, 2006 have been fully considered but they are not persuasive. Applicant argues that Lee does not address grammar files, let alone sorting of grammar files. This is incorrect. Any file containing text may be considered a grammar file. If the applicant wishes the term "grammar file" to be interpreted differently, the interpretation should be present in the claims.

5. Applicant argues that his invention is "to visually juxtapose files that satisfy a specified criterion with those that do not," by "presenting user-defined grammar files along with built-in grammar files...in a manner that makes the two different types of files visually distinguishable from one another." However, these limitations are not in the claims. Nowhere in the wording of the claims does it state that the files are displayed alongside each other.

6. Applicant further argues that Lee does not teach visually displaying a presentation list of grammar files so that each user-defined grammar file is visually distinguishable from each built-in grammar file. This is incorrect. As stated above, Lee teaches this limitation in column 4 lines 12-15 and 49-57. The user-defined grammar files (files that match the query) are visually distinguishable because they are displayed, while the built-in grammar files (files in the database that do not match the query) are not displayed. Applicant's claims do not require both the user-defined files and built-in files to be displayed at the same time. Independent claims 1, 8 and 16 only require a presentation list, which includes grammar files, to be displayed; they do not recite the limitation of the presentation list including both user-defined grammar files and built-in grammar files.

7. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., a presentment of different types of files distinguishable from one another on the basis of both a first and second criteria) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Independent claims 1, 8 and 16 only recite the limitation of presenting a presentation list having grammar files. They do not require different types of files to be presented.

8. Lastly, applicant argues that Lee provides no mechanism by which both user-defined and built-in grammar files, after being sorted as to be distinguished one type

from the other, can be further sorted based on second criterion. This is incorrect. Lee teaches in column 4 that files that satisfy a search criterion are displayed; this is equivalent to sorting the files so as to distinguish one type from the other. Furthermore, Lee teaches that the search results may be ordered or sorted by date, inventor, alphabetical by title, relevancy, etc., all of which may be considered second criteria.

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alicia M. Lewis whose telephone number is 571-272-5599. The examiner can normally be reached on Monday - Friday, 9 - 6:30, alternate Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Rones can be reached on 571-272-4085. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Alicia Lewis
September 12, 2006



SAM RIMELL
PRIMARY EXAMINER